

REMARKS

**[01]** Anticipation of Claims 1 and 5

**[02]** The most-recent Office Action, mailed October 19, 2005, rejects Claims 1 and 5 for anticipation by U.S. Patent No. 6,317,837 to Kenworthy, "Kenworthy" herein. These rejections are traversed.

**[03]** Claims 1 and 5 require HTTP requests; Kenworthy does not disclose HTTP requests. Claims 1 and 5 require a trap that "withholds" and "retires", requiring incomplete HTTP requests to be temporarily maintained; Kenworthy discloses immediately discarding requests with incomplete information. Claims 1 and 5 require that incomplete HTTP requests be retired to meet storage limitations; Kenworthy does not disclose retiring to meet storage limitations.

**[04]** The Office Action purports to find the limitations of Claim 1 disclosed Kenworthy, Col. 7, lines 59-65, which reads:

**[05]** If the necessary information is not included in the data packet, the data packet is deemed incorrectly configured and is removed from further consideration. Thus, at step 610, if the in-coming data packet header is determined to be incomplete or fails to meet other pre-determined specifications, the data packet is immediately discarded at step 612.

**[06]** Note there is no mention of HTTP requests and no mention of withholding or retiring. From elsewhere in Kenworthy, it can be determined that the data packets are requests to network-attached devices, but are not HTTP requests. The quoted passage also shows

5 that data packets with incomplete packet headers are discarded immediately, so the temporal aspect of withholding and retiring is absent. Finally, Kenworthy discards immediately and without regard to storage limitations. Accordingly, the rejections of Claims 1 and 5 for anticipation should be withdrawn.

10 **[07]** Obviousness of Claim 2

**[08]** The Office Action rejects Claim 2 as obvious given a combination of Kenworthy and published U.S. Patent Application 2002/0083117 to Goddard, “Goddard” herein. This rejection is traversed, in part for the reasons given in the traversal of the

15 rejection of Claim 1 and in part for the following reasons.

**[09]** Claim 2 requires a trap that sends complete HTTP requests to a deferral manager; neither Kenworthy nor Goddard discloses a trap that sends complete HTTP request to a deferral manager. Claim 2 requires a deferral manager that responds to some HTTP requests

20 with deferral messages; neither Kenworthy nor Goddard discloses a deferral manager that responds to HTTP requests with deferral messages.

**[10]** The Office Action purports to find limitations of Claim 2 at Goddard, paragraph [0010], which reads:

**[0010]** In accordance with yet another aspect of the present invention, a method of processing requests for data from a server includes receiving a plurality of data requests, and, for each received data request, assigning a priority to the data request on a client basis, a requested resource basis, or both, and according to when the data request was received. The received data requests are then serviced in an order corresponding to their assigned priorities.

**[11]** Note that this passage does not mention a trap that sends HTTP requests and does not mention a deferral manager that responds with deferral messages. Accordingly, for the reasons 5 given in the traversal of Claim 1 plus the foregoing additional reasons, the rejection of Claim 2 should be withdrawn.

**[12]** Obviousness of Claim 6

**[13]** Item 7 of the Office Action rejects Claim 6 on the same grounds applied in the rejections of Claims 3 and 7. However, the 10 grounds set forth in those rejections relate to queues and queue managers, neither of which pertain to Claim 6, so those rejections are traversed. Claim 6 is most analogous to Claim 2, discussed above. If the rejection applied to Claim 2 where applied to Claim 6, the traversal would also be analogous to that given above for 15 Claim 2. In either case, the rejection of Claim 6 should be withdrawn.

**[14] Obviousness of Claims 3 and 7**

**[15]** The Office Action rejects Claims 3 and 7 based on a combination of U.S. Patent Application No. Kenworthy and U.S. Patent No. 6,823,380 to Nace et al., "Nace" herein. These rejections  
5 are traversed in part for the reasons given in the traversals of the rejections for Claim 1 and 4, and further in accordance with the following.

**[16]** Claims 3 and 7 require incomplete HTTP requests; neither Kenworthy nor Nace discloses incomplete HTTP requests. Claims 3  
10 and 6 require a queue manager that stores incomplete HTTP requests; neither Kenworthy nor Nace discloses a queue manager that stores incomplete HTTP requests. Claims 3 and 7 require a queue manager that retires incomplete HTTP requests stored in a queue; neither Kenworthy nor Nace discloses a queue manager that  
15 retires incomplete HTTP requests stored in a queue. Claims 3 and 7 require that incomplete HTTP requests be retired to make room for new incomplete HTTP requests, neither Kenworthy nor Nace disclose retiring incomplete HTTP requests although Nace might suggest retiring an HTTP request from a queue once it is passed to  
20 the server being tested.

**[17]** Furthermore, there is no motivation to combine Kenworthy and Nace so that Claims 3 and 7 read on the combination. Kenworthy teaches that incomplete requests are to be discarded immediately; it would be against this teaching to store incomplete  
25 HTTP requests in a queue.

[18] . Item 7a of the Office Action proposes as a motivation for combining Kenworthy and Nace: "to make room for a new HTTP request . , .to read and process the requests upon a rate determined by the scheduler". Neither reference provides a motivation for 5 controlling the rate at which incomplete HTTP requests are read and processed. Accordingly, the rejections of Claims 3 and 7 should be withdrawn.

**[19] Allowability of Claims 4 and 8**

[20] Applicant respectfully acknowledges the holding of 10 allowability for Claims 4 and 8. However, Applicant believes these claims depend from allowable claims and should not need to be amended to independent form. Accordingly, the implicit objections to Claims 4 and 8 should be withdrawn.

**[21] New Claims 9 and 10**

15 [22] New Claims 9 and 10 have been added to more clearly distinguish the invention from the prior art in general and Kenworthy in particular. Kenworthy teaches immediate discarding of incomplete requests. Claims 9 and 10 emphasize that initially-incomplete requests are not discarded immediately so that they can 20 be completed and then passed on for processing. It is only when a time period for completion lapses that an incomplete request is retired.

**[23] CONLUSION**

**[24]** The present invention relates to incomplete HTTP requests, which are not even dealt with by any of the cited references. The further limitations regarding how they are dealt with and how 5 complete requests can be deferred are not addressed in any of the cited references. Accordingly, Applicant respectfully requests allowance of the application in its current form.

Respectfully submitted



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